

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Miriam Lynch	Team: Squad #11	CCRB Case #: 201907344	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 08/17/2019 4:51 PM, Saturday, 08/17/2019 5:00 PM	Location of Incident: § 87(2)(b) the PSA 6 stationhouse	Precinct: 32	18 Mo. SOL 2/17/2021	EO SOL 10/4/2021	
Date/Time CV Reported Sat, 08/17/2019 6:16 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sat, 08/17/2019 6:16 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Asilhan Kozan	19863	958775	PSA 6
2. POM Juan Carrero	00160	938174	PSA 6
3. POM Jose Pacheco	15684	944139	PSA 6
4. POF Shamika Rodgers	09860	942448	PSA 6

Officer(s)	Allegation	Investigator Recommendation
A.POM Asilhan Kozan	Abuse: At § 87(2)(b) in Manhattan, Police Officer Asilhan Kozan refused to provide his name to § 87(2)(b)	§ 87(2)(b)
B.POM Asilhan Kozan	Abuse: At § 87(2)(b) in Manhattan, Police Officer Asilhan Kozan refused to provide his shield number to § 87(2)(b)	§ 87(2)(b)
C.POM Asilhan Kozan	Abuse: At § 87(2)(b) in Manhattan, Police Officer Asilhan Kozan refused to provide his name to § 87(2)(b)	§ 87(2)(b)
D.POM Asilhan Kozan	Abuse: At § 87(2)(b) in Manhattan, Police Officer Asilhan Kozan refused to provide his shield number to § 87(2)(b)	§ 87(2)(b)
E.POM Jose Pacheco	Abuse: At § 87(2)(b) in Manhattan, Police Officer Jose Pacheco refused to provide his name to § 87(2)(b)	§ 87(2)(b)
F.POM Jose Pacheco	Abuse: At § 87(2)(b) in Manhattan, Police Officer Jose Pacheco refused to provide his shield number to § 87(2)(b)	§ 87(2)(b)
G.POM Jose Pacheco	Abuse: At § 87(2)(b) in Manhattan, Police Officer Jose Pacheco refused to provide his name to § 87(2)(b)	§ 87(2)(b)
H.POM Jose Pacheco	Abuse: At § 87(2)(b) in Manhattan, Police Officer Jose Pacheco refused to provide his shield number to § 87(2)(b)	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
I.POM Juan Carrero	Abuse: At § 87(2)(b) in Manhattan, Police Officer Juan Carrero refused to provide his name to § 87(2)(b)	
J.POM Juan Carrero	Abuse: At § 87(2)(b) in Manhattan, Police Officer Juan Carrero refused to provide his shield number to § 87(2)(b)	
K.POM Juan Carrero	Abuse: At § 87(2)(b) in Manhattan, Police Officer Juan Carrero refused to provide his name to § 87(2)(b)	
L.POM Juan Carrero	Abuse: At § 87(2)(b) in Manhattan, Police Officer Juan Carrero refused to provide his shield number to § 87(2)(b)	
M.POM Jose Pacheco	Abuse: At § 87(2)(b) in Manhattan, Police Officer Jose Pacheco threatened to arrest § 87(2)(b)	
N.POF Shamika Rodgers	Abuse: At the PSA 6 stationhouse in Manhattan, Police Officer Shamika Rodgers did not process § 87(2)(b)'s complaint regarding officers.	
O.POM Asilhan Kozan	Abuse: At the PSA 6 stationhouse in Manhattan, Police Officer Asilhan Kozan refused to provide his name to § 87(2)(b)	
P.POM Asilhan Kozan	Abuse: At the PSA 6 stationhouse in Manhattan, Police Officer Asilhan Kozan refused to provide his shield number to § 87(2)(b)	
Q.POM Asilhan Kozan	Abuse: At the PSA 6 stationhouse in Manhattan, Police Officer Asilhan Kozan refused to provide his name to § 87(2)(b)	
R.POM Asilhan Kozan	Abuse: At the PSA 6 stationhouse in Manhattan, Police Officer Asilhan Kozan refused to provide his shield number to § 87(2)(b)	
S.POM Juan Carrero	Abuse: At the PSA 6 stationhouse in Manhattan, Police Officer Juan Carrero refused to provide his name to § 87(2)(b)	
T.POM Juan Carrero	Abuse: At the PSA 6 stationhouse in Manhattan, Police Officer Juan Carrero refused to provide his shield number to § 87(2)(b)	
U.POM Juan Carrero	Abuse: At the PSA 6 stationhouse in Manhattan, Police Officer Juan Carrero refused to provide his name to § 87(2)(b)	
V.POM Juan Carrero	Abuse: At the PSA 6 stationhouse in Manhattan, Police Officer Juan Carrero refused to provide his shield number to § 87(2)(b)	

## Case Summary

§ 87(2)(b) filed this complaint with the CCRB, for herself and for her mother, § 87(2)(b) via the on-line system on August 17, 2019.

On August 17, 2019, § 87(2)(b)'s sister § 87(2)(b) was smoking marijuana in a § 87(2)(b) at § 87(2)(b) in Manhattan when she was arrested by PO Asilhan Kozan, PO Jose Pacheco, and PO Juan Carrero, all of PSA 6. § 87(2)(b)'s mother, § 87(2)(b) and her sisters, § 87(2)(b) and § 87(2)(b) went into the hallway where § 87(2)(b) was handcuffed to see what was happening, and to get § 87(2)(b) a pair of pants, as § 87(2)(b) was wearing a small pair of shorts.

While they were in the hallway, all of the aforementioned officers allegedly refused to provide their names and shield numbers to § 87(2)(b) and § 87(2)(b) (Allegations A-L- Abuse of Authority- § 87(2)(g)). When § 87(2)(b) went into the elevator to put pants on § 87(2)(b) PO Pacheco allegedly threatened to arrest her (Allegation M- Abuse of Authority- § 87(2)(g)).

After § 87(2)(b) was taken to the PSA 6 stationhouse, § 87(2)(b) and § 87(2)(b) followed her to the stationhouse, where they met PO Shamika Rodgers, who allegedly refused to take their complaint against officers (Allegation N- Abuse of Authority- § 87(2)(g)). They spoke with PO Kozan and PO Carrero, both of whom allegedly refused to provide their names and shield numbers (Allegations O, P, S, and T- Abuse of Authority- § 87(2)(g)). Allegations Q, R, U, and V- Abuse of Authority- § 87(2)(g)). § 87(2)(b) was arrested for § 87(2)(b) (Board Review 01).

## Findings and Recommendations

**Allegation (A) Abuse of Authority: At § 87(2)(b) in Manhattan, Police Officer Asilhan Kozan refused to provide his name to § 87(2)(b).**

**Allegation (B) Abuse of Authority: At § 87(2)(b) in Manhattan, Police Officer Asilhan Kozan refused to provide his shield number to § 87(2)(b).**

**Allegation (C) Abuse of Authority: At § 87(2)(b) in Manhattan, Police Officer Asilhan Kozan refused to provide his name to § 87(2)(b).**

**Allegation (D) Abuse of Authority: At § 87(2)(b) in Manhattan, Police Officer Asilhan Kozan refused to provide his shield number to § 87(2)(b).**

**Allegation (E) Abuse of Authority: At § 87(2)(b) in Manhattan, Police Officer Jose Pacheco refused to provide his name to § 87(2)(b).**

**Allegation (F) Abuse of Authority: At § 87(2)(b) in Manhattan, Police Officer Jose Pacheco refused to provide his shield number to § 87(2)(b).**

**Allegation (G) Abuse of Authority: At § 87(2)(b) in Manhattan, Police Officer Jose Pacheco refused to provide his name to § 87(2)(b).**

**Allegation (H) Abuse of Authority: At § 87(2)(b) in Manhattan, Police Officer Jose Pacheco refused to provide his shield number to § 87(2)(b).**

**Allegation (I) Abuse of Authority: At § 87(2)(b) in Manhattan, Police Officer Juan Carrero refused to provide his name to § 87(2)(b).**

**Allegation (J) Abuse of Authority: At § 87(2)(b) in Manhattan, Police Officer Juan Carrero refused to provide his shield number to § 87(2)(b).**

**Allegation (K) Abuse of Authority: At § 87(2)(b) in Manhattan, Police Officer Juan Carrero refused to provide his name to § 87(2)(b).**

**Allegation (L) Abuse of Authority: At § 87(2)(b) in Manhattan, Police Officer Juan Carrero refused to provide his shield number to § 87(2)(b).**

It is undisputed that this incident began with § 87(2)(b) was smoking marijuana in her hallway at § 87(2)(b) in a pair of shorts she did not feel comfortable wearing outside

of her apartment building. PO Kozan, PO Carrero, and PO Pacheco, the Neighborhood Coordination Officers of PSA 6, encountered § 87(2)(b) and placed her in handcuffs. § 87(2)(b)'s stepfather, § 87(2)(b) saw § 87(2)(b) and went into her apartment, also located on the fourth floor of § 87(2)(b) to tell § 87(2)(b) what was happening. § 87(2)(b) and § 87(2)(b) went into the fourth floor hallway to speak with the officers, and to bring § 87(2)(b) a pair of pants.

Neither PO Kozan's, PO Pacheco's, nor PO Carrero's body-worn camera footage showed § 87(2)(b) or § 87(2)(b) requesting any officer's shield number (Board Review 02, Board Review 03, Board Review 04, and Board Review 07). Each of these videos captures the duration of their interactions with the officers in the elevator (Board Review 02, timestamps 00:03:10 and 00:04:19 in the video player; Board Review 03, timestamps 00:03:12 to 00:04:15 in the video player; and Board Review 04, timestamps 00:02:49 to 00:03:47 in the video player). Immediately after she leaves the elevator, § 87(2)(b) talks with § 87(2)(b) who mentions calling an attorney (Board Review 01, timestamp 00:04:19 in the video file).

§ 87(2)(b) did not mention any of her family members requesting the officers' names or shield numbers during her phone statement (Board Review 05). In her verified statement, she said that both § 87(2)(b) and § 87(2)(b) requested all of the officers' names and shield numbers while they were at § 87(2)(b).

§ 87(2)(b) in her phone statement, said that § 87(2)(b) requested the officers' names and shield numbers when she walked into the elevator to put pants on § 87(2)(b) but that the officers let the doors of the elevators close, and did not provide their names and shield numbers (Board Review 05). In her CCRB interview, she said that she told § 87(2)(b) to get the names and shield numbers of the officers, and § 87(2)(b) asked them for this information, and that they did not provide it. She herself did not request the officers' names and shield numbers.

§ 87(2)(b) provided a phone statement to the investigation, but did not respond to follow-up contact attempts to give an in-person interview (Board Review 06). In her phone statement, she said that she requested the shield numbers of all of the officers present, and that they ushered her out of the elevator before she could provide it (Board Review 05).

§ 87(2)(b) in her CCRB interview, indicated that she did not at any point hear § 87(2)(b) or § 87(2)(b) request either the names or shield numbers of the officers.

PO Carrero denied that he was asked for his name or shield number, or that he provided it. PO Kozan did not remember whether anyone asked for his name or shield number. PO Pacheco did not remember anyone asking for his name or shield number.

None of the civilians requested the officers' names or shield numbers: the video showed the entirety of the interaction between the officers and civilians while they were inside of the elevator § 87(2)(b). Furthermore, § 87(2)(b) herself said that she did not ask for the names and shield numbers of the officers.

§ 87(2)(g)

**Allegation (M) At § 87(2)(b) in Manhattan, Police Officer Jose Pacheco threatened to arrest § 87(2)(b).**

It is undisputed that no officer threatened to arrest § 87(2)(b). Body-worn camera footage shows PO Pacheco and PO Carrero telling § 87(2)(b) that

they could have arrested § 87(2)(b) because § 87(2)(b) interfered with the arrest. At the point that they make this statement, the doors of the elevator have closed, and § 87(2)(b) is not in their presence (Board Review 03, timestamp 00:04:25 to 00:04:50 in the video player, Board Review 04, timestamp 00:03:57 to 00:04:27 in the video player) and Board Review 07).

In her phone statement, § 87(2)(b) said that one of the officers was angry that § 87(2)(b) was coming into the elevator while § 87(2)(b) was handcuffed (Board Review 05). He said that § 87(2)(b) could be arrested for touching § 87(2)(b). In her phone statement, § 87(2)(b) could not tell who this officer was. During her CCRB interview, she clarified that the officers made this statement after the doors of the elevator closed.

In her phone statement, § 87(2)(b) did not mention an officer saying anything about arresting § 87(2)(b). During her in-person statement, she said that one of the officers, the shortest one present, at 5'6"-7" tall, said that § 87(2)(b) "should be" arrested while § 87(2)(b) was trying to put on § 87(2)(b)'s pants.

In her phone statement, § 87(2)(b) said that one of the officers mentioned that they could arrest her, while she was putting on § 87(2)(b)'s pants (Board Review 05). She did not proceed with an in-person statement, or respond to follow-up calls for clarification (Board Review 06).

§ 87(2)(b) did not observe the officers threatening to arrest § 87(2)(b) but learned at a later time that they had discussed arresting her.

PO Carrero, who stands 6'1" tall, did not remember any officer saying that § 87(2)(b) could be arrested for putting on § 87(2)(b)'s pants. PO Kozan, who stands 6'1" tall, said that he did not remember any officer saying that any civilian could or should be arrested.

PO Pacheco, who stands 5'7" tall, said that he told § 87(2)(b) that he could have arrested her for putting on § 87(2)(b)'s pants while she was in police custody. He also said that he told another female individual who came into the elevator with her that she could be arrested for getting into the elevator. He explained that he could have arrested her for obstructing governmental administration, but that he chose not to, as he found her more an annoyance than a threat.

§ 87(2)(g)

§ 87(2)(g)

**Allegation (N) At the PSA 6 stationhouse in Manhattan, Police Officer Shamika Rodgers did not process § 87(2)(b)'s complaint regarding officers.**

It is undisputed that § 87(2)(b) and § 87(2)(b) went to the PSA 6 stationhouse after § 87(2)(b) was taken into custody. It is undisputed that they interacted with PO Rodgers at the PSA 6 stationhouse, and then with PO Kozan and PO Carrero. Whether PO Rodgers refused to take § 87(2)(b)'s complaint is in dispute.

Surveillance footage from the PSA 6 stationhouse shows PO Rodgers interacting with § 87(2)(b) and § 87(2)(b) (Board Review 08, timestamps 01:31:47 to 01:36:40 in the video player). The footage does not have any audio.

In her phone statement, § 87(2)(b) said that she informed PO Rodgers that she wanted to file a complaint. The officer at the front desk offered to retrieve the arresting officer. § 87(2)(b) told her that she did not want to speak with the arresting officer, but wanted to speak with his supervisor, so that she could file a complaint. PO Rodgers got two officers, both of whom participated in the arrest of § 87(2)(b). She was ultimately not given any forms or

paperwork to fill out (Board Review 05). In her in-person interview, she clarified that she asked only PO Rodgers to file a complaint at the precinct stationhouse.

In her phone statement, § 87(2)(b) said only that she requested to speak with an officer who she wanted to file a complaint against, and that she was not given the opportunity to speak with that officer (Board Review 05).

In her CCRB interview, § 87(2)(b) initially stated that she did not observe any interactions between her mother and sister and officers at the PSA 6 stationhouse, but then amended her statement, and said that she observed her mother and sister interacting with a male officer inside of the stationhouse.

PO Rodgers was working at the stationhouse as the telephone switchboard officer, and as part of that role, was taking over duties as stationhouse security. She did not have any independent recollection of this incident, but recognized herself in the stationhouse security footage. She denied not taking § 87(2)(b)'s complaint.

§ 87(2)(g)

**Allegation (O) At the PSA 6 stationhouse in Manhattan, Police Officer Asilhan Kozan refused to provide his name to § 87(2)(b).**

**Allegation (P) At the PSA 6 stationhouse in Manhattan, Police Officer Asilhan Kozan refused to provide his shield number to § 87(2)(b).**

**Allegation (Q) At the PSA 6 stationhouse in Manhattan, Police Officer Asilhan Kozan refused to provide his name to § 87(2)(b).**

**Allegation (R) At the PSA 6 stationhouse in Manhattan, Police Officer Asilhan Kozan refused to provide his shield number to § 87(2)(b).**

**Allegation (S) At the PSA 6 stationhouse in Manhattan, Police Officer Juan Carrero refused to provide his name to § 87(2)(b).**

**Allegation (T) At the PSA 6 stationhouse in Manhattan, Police Officer Juan Carrero refused to provide his shield number to § 87(2)(b).**

**Allegation (U) At the PSA 6 stationhouse in Manhattan, Police Officer Juan Carrero refused to provide his name to § 87(2)(b).**

**Allegation (V) At the PSA 6 stationhouse in Manhattan, Police Officer Juan Carrero refused to provide his shield number to § 87(2)(b).**

It is undisputed that shortly after § 87(2)(b) and § 87(2)(b) spoke with PO Rodgers, they spoke with PO Carrero and PO Kozan. § 87(2)(g)

Surveillance footage obtained from the PSA 6 stationhouse shows § 87(2)(b) and § 87(2)(b) interacting with PO Carrero and PO Kozan, and § 87(2)(b) holding what looked like a cellphone in front of PO Carrero and PO Kozan. There is no audio for this footage (Board Review 08, timestamps 01:38:46 to 01:47:19 in the video player).

In § 87(2)(b)'s phone statement, she testified that she heard both § 87(2)(b) and § 87(2)(b) requesting officers' names and shield numbers at the PSA 6 stationhouse, but did not know whether officers provided them (Board Review 05). In her in-person interview, she initially testified that she did not observe the interaction between § 87(2)(b) and § 87(2)(b). Later in the interview she changed her testimony, saying that she observed § 87(2)(b) and § 87(2)(b) requesting name and shield information for the officers, and that the officers did not provide this information.

In her phone statement, § 87(2)(b) said at the stationhouse, she told § 87(2)(b) to obtain PO Kozan's and PO Carrero's names and shield numbers. When § 87(2)(b)

§ 87(2)(b) did so, one of the officers stood in a way that allowed § 87(2)(b) to see his chest, and copy the information into her cellphone. After she did so, he walked away. The other officer offered his information, but § 87(2)(b) was not interested in filing a complaint against him (Board Review 05). In her in-person statement, § 87(2)(b) reiterated that § 87(2)(b) asked one of the officers for his name and shield information, and he stood in a way that allowed her to see his chest. She copied the information into her cellphone, or took a picture of it, § 87(2)(b) could not remember which. She reiterated that she did not request the officers' information, but she asked § 87(2)(b) to request it.

After the initial phone statement, § 87(2)(b) did not participate with the investigation, and § 87(2)(b) did not go to the stationhouse (Board Review 06).

PO Carrero did not independently remember interacting with § 87(2)(b) and § 87(2)(b) at the PSA 6 stationhouse. He did not know if they ever requested his name or shield number. He viewed the PSA 6 stationhouse surveillance footage, but it did not refresh his recollection of what happened.

PO Kozan remembered interacting with two family members inside of the PSA 6 stationhouse, and that they requested his name and shield number. He provided it by saying, "My name is Kozan," and by visually showing his shield.

PO Rodgers did not have an independent recollection of this incident, even after watching the footage obtained from the PSA 6 stationhouse.

§ 87(2)(g)

### **Mediation, Civil and Criminal Histories**

- § 87(2)(b) declined to mediate this complaint.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- On October 21, 2019, the New York City Office of the Comptroller confirmed that there has been no Notice of Claim filed for this incident (Board Review 13). On January 13, 2020, an additional request was made to the New York City Office of the Comptroller. The results will be added to the case file upon receipt (Board Review 14).

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Squad No.: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Title & Name Date

Squad Leader: \_\_\_\_\_  
Signature Print Title & Name Date

Reviewer:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Title & Name

\_\_\_\_\_  
Date